



S/N 09/117,071

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: KINGSMAN ET AL. Examiner: G. LEE  
Serial No.: 09/117,071 Group Art Unit: 1632  
Filed: SEPTEMBER 25, 1999 Docket No.: 9192.5USWO  
Title: RETROVIRAL VECTOR AND ITS USE IN GENE THERAPY

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited in the United States Postal Service, as first class mail, with sufficient postage, in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on January 12, 2000.

By: *[Signature]*  
Name: John J. Gresens

RESPONSE TO RESTRICTION REQUIREMENT

Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

In response to the Request for Restriction Under 35 U.S.C. § 121 Applicants respectfully request Group I comprising claims 22–25, 31–34, 41, 42–44, 45, and 46 drawn to an in vivo method of making a vector, in vivo producer cells, use of DNA for gene therapy medicament, method of making producer cell in vivo, and gene therapy classified in class 514, subclass 44, with traverse. The basis of Applicants traversal is that they do not necessarily wish to be bound by the Examiner's logic in requesting this election.

Favorable consideration is respectfully requested.

Respectfully submitted,

MERCHANT & GOULD P.C.  
3100 Norwest Center  
90 South Seventh Street  
Minneapolis, Minnesota 55402  
(612) 332-5300

Date: 1/12/00

*[Signature]*  
John J. Gresens  
Reg. No. 33,112